

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

<b>RYAN TYLER MERRILL,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
v.	)	<b>No. 22-CV-007-RAW</b>
	)	
<b>JONATHAN SEAGRAVES,</b>	)	
<b>GREG FELL,</b>	)	
<b>CITY OF BROKEN ARROW, and</b>	)	
<b>BRANDON BERRYHILL,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

On November 28, 2022, Magistrate Judge Jackson entered a Report and Recommendation with regard to Defendant Brandon Berryhill's Motion to Dismiss [Docket No. 28] and Defendant City of Broken Arrow's Motion to Dismiss [Docket No. 30]. The recommendation was that Defendant Brandon Berryhill's Motion to Dismiss should be granted and Defendant City of Broken Arrow's Motion to Dismiss should be granted in part and denied in part. No objection to the report and recommendation was filed.

It is the order of this court that the Report and Recommendation [Docket No. 46] is hereby affirmed and adopted. The Defendant Brandon Berryhill's Motion to Dismiss [28] is GRANTED. The Defendant City of Broken Arrow's Motion to Dismiss [30] is GRANTED IN PART and DENIED IN PART. The City's motion to dismiss is GRANTED as to the Plaintiff's claim of municipal liability under a theory of ratification and unconstitutional formal policy with prejudice as to Plaintiff's right to further amend his Amended Complaint. The City's motion to dismiss is DENIED as to Plaintiff's claim of municipal liability for failure to train.

IT IS SO ORDERED this 13<sup>th</sup> day of February, 2023.

A handwritten signature in cursive script, reading "Ronald A. White". The signature is written in dark ink and is positioned above a horizontal line.

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HONORABLE RONALD A. WHITE  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF OKLAHOMA